Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Currently Amended) A data use management system comprising at least one receiving apparatus connected to a network and capable of receiving and using predetermined data, and a transmitting apparatus which transmits the data to said receiving apparatus via said network,

wherein use of the data on said network is managed on the basis of ~~the~~a transmitting time ~~required~~ for transmission of predetermined information between said transmitting apparatus and said receiving apparatus,

wherein said transmitting apparatus has:

transmission time measuring means of measuring the transmission time for transmission of the predetermined information for measurement between said transmitting apparatus and said receiving apparatus;

reference time storage means of storing at least one reference time;

transmitting-side authentication means of comparing the transmission time and the one reference time, thereby determining to which one of ranges of transmission time classified on the basis of the reference time the transmission time belongs, determining, on the basis of the result of said determination, whether or not said receiving apparatus having the transmission time is permitted to use the predetermined data, and performing authentication if said receiving apparatus is permitted to use the predetermined data; and

authentication count means of incrementing an authentication count which is a number of instances of authentication performed by said transmitting-side authentication means,

wherein said receiving apparatus has receiving-side authentication means of performing authentication with said transmitting-side authentication means, and

wherein said transmitting apparatus compares the authentication count with a maximum authentication count determined in advance with respect to each of the ranges of transmission time, and inhibits further authentication if the authentication count is larger than the maximum authentication count.

2. (Canceled)

3. (Currently Amended) A transmitting apparatus having a management function for enabling at least one receiving apparatus connected to a network and ~~capable~~configured to receive and use ~~of receiving and using predetermined~~ data via ~~to use the data by means of~~ said network, said transmitting apparatus comprising:

transmission time measuring means of measuring the transmission time ~~required~~ for transmission of predetermined information ~~for measurement~~ between said transmitting apparatus and said receiving apparatus;

reference time storage means of storing at least one reference time;

transmitting-side authentication means of comparing the measured transmission time and the at least one reference time~~, thereby determining~~ to determine to which one of a plurality of ranges ~~of transmission time classified on the basis of the reference time~~ the transmission time belongs, the plurality of ranges being classified based on the at least one reference time, and of determining, based on which one of the plurality of ranges the measured transmission time belongs~~the basis of the result of said determination~~, whether or not said receiving apparatus having the corresponding ~~the~~ measured transmission time ~~can be~~is permitted to use the ~~predetermined~~ data, and performing authentication if said receiving apparatus ~~can be~~ is permitted to use the ~~predetermined~~ data;

authentication count means of incrementing ~~the~~an authentication count which is ~~the~~a number of instances of authentication performed by said transmitting-side authentication means; and

~~the~~a management function of comparing the incremented authentication count with a maximum authentication count determined in advance with respect to each of the plurality of ranges ~~of transmission time~~, and inhibiting further authentication if the incremented authentication count is larger than the maximum authentication count.

4. (Currently Amended) The transmitting apparatus having the management function according to Claim 3,

wherein said receiving apparatus ~~has~~includes a unique identifier, and ~~wherein,~~ when said transmitting-side authentication means performs authentication with said receiving device, and the authentication ~~on~~of said receiving apparatus results in success, said transmitting-side authentication means identifies said receiving apparatus through said identifier.

5. (Currently Amended) The transmitting apparatus having the management function according to Claim 4, wherein, when an authentication request is sent ~~from said receiving apparatusaid~~, said transmitting-side authentication means determines, through said unique identifier, whether or not ~~from which~~ the authentication request received ~~from the receiving apparatus~~ is from the same apparatus as said receiving apparatus ~~on~~for which authentication has already been made successfully.

6. (Currently Amended) The transmitting apparatus having the management function according to Claim 3, wherein if the incremented authentication count is equal to or larger than the predetermined maximum authentication count, said transmitting-side authentication means performs ~~such~~ control such that said transmitting-side authentication means does not accept ~~the~~an authentication request from said receiving apparatus.

7. (Currently Amended) The transmitting apparatus having the management function according to Claim 3, further comprising:

reference time setting means of setting the reference time based on ~~the basis of the~~a result of ~~measurement of~~measuring the transmission time required for transmission of the predetermined information ~~for measurement~~ over a predetermined reference route.

8. (Currently Amended) The transmitting apparatus having the management function according to Claim 3, wherein said transmitting-side authentication means sets the maximum authentication count to a smaller value based on ~~the basis of the~~a result of ~~said~~ classification of the plurality of ranges.

9. (Currently Amended) The transmitting apparatus having the management function according to Claim 8, wherein said transmitting-side authentication means sets,

with respect to each class in said classification, a count increment value by which said authentication count means increments ~~the~~a count.

10. (Currently Amended) The transmitting apparatus having the management function according to Claim 3, wherein the maximum authentication count is determined with respect to each class in ~~said~~ classification of the plurality of ranges;

said authentication count means increments the incremented authentication count with respect to each class in said classification; and

said transmitting-side authentication means limits the incremented authentication count so that the incremented authentication count with respect to each class in said classification does not exceed the maximum authentication count.

11. (Currently Amended) The transmitting apparatus having the management function according to Claim 3, further comprising attribute information management means of managing attribute information about the ~~predetermined~~ data transmitted over said network,

wherein said transmitting-side authentication means limits the incremented authentication count based on ~~the basis of~~ the result of ~~said~~ classification of the plurality of ranges and the attribute information.

12. (Original) The transmitting apparatus having the management function according to Claim 11, wherein copy control information is used as the attribute information.

13. (Currently Amended) The transmitting apparatus having the management function according to Claim 3, further comprising medium type determination means of determining a type of medium in transmission routes constituting said network,

wherein said transmitting-side authentication means sets the reference time according to the type of medium, and limits the incremented authentication count according to ~~the~~a result of classification of the plurality of ranges made based on ~~the basis of~~ the set reference time.

14. (Currently Amended) The transmitting apparatus having the management function according to Claim 13, wherein when said medium type determination means detects the existence of a plurality of types of medium in the transmission routes, ~~it selects~~ and selects the transmission medium type presumed to have ~~the~~a longest transmission time among the detected transmission media, and

wherein said transmitting-side authentication means uses the selected type of medium for setting of the reference time.

15. (Currently Amended) The transmitting apparatus having the management function according to Claim 3, further comprising transmission mode determination means of determining a transmission mode in ~~the~~ transmission routes constituting said network,

wherein said transmitting-side authentication means does not ~~execute~~ limit~~ation of~~ the incremented authentication count based on ~~the basis of the~~a result of ~~said~~ classification of the plurality of ranges if the determined transmission mode is a predetermined transmission mode with no ~~need for~~ authentication count limitation with respect to the measured transmission time.

16. (Currently Amended) The transmitting apparatus having the management function according to Claim 3, further comprising billing information management means of managing billing information,

wherein said transmitting-side authentication means limits the incremented authentication count based on ~~the basis of the~~a result of ~~said~~ classification of the plurality of ranges and the billing information.

17. (Currently Amended) The transmitting apparatus having the management function according to Claim 4, wherein said transmitting-side authentication means registers the measured transmission time together with said unique identifier and keeps the maximum value of the authentication count equal to or smaller than a predetermined number by canceling at least one of the authentications of a plurality of the registered receiving apparatus if the authentication count reaches the maximum value when authentication is newly performed.

18. (Currently Amended) The transmitting apparatus having the management function according to Claim 17, wherein if the registered receiving apparatus has a measured transmission time longer than ~~the~~a transmission time measured at ~~the~~a time of newly performing authentication when the authentication of any one of the registered receiving apparatus is cancelled, said transmitting-side authentication means cancels the authentication of the registered receiving apparatus having ~~the~~a longest transmission time.

19. (Original) The transmitting apparatus having the management function according to Claim 3, further comprising updating means of updating, according to input information externally supplied, at least one of the reference time and authentication count limitation conditions used by said transmitting-side authentication means.

20. (Currently Amended) The transmitting apparatus according to any one of claims 3 to 19, wherein the data ~~needs~~uses copyright protection.

21. (Currently Amended) A data use management method comprising a step of;

when transmitting ~~a predetermined~~ data via a network from a transmitting apparatus to at least one receiving apparatus connected to the network and capable of receiving and using the ~~predetermined~~ data, permitting access to the data by the at least one receiving apparatus ~~managing the use of the data~~ via the network based on ~~the basis of the~~ a transmitting time ~~required~~ for transmission of predetermined information between the transmitting apparatus ~~to~~and said receiving apparatus exceeding one value.

22. (Currently Amended) A program stored on a computer-readable medium for making a computer act as~~function as the means of the transmitting apparatus having a management function according to claim 3:~~

the transmission time measuring means of measuring the transmission time required for transmission of the predetermined information ~~for measurement~~ between said transmitting apparatus and said receiving apparatus~~;~~, act as the reference time storage means of storing the at least one reference time~~;~~ act as the transmitting-side authentication means ~~of comparing the transmission time and the reference time, thereby determining to which one of ranges of transmission time classified on the basis of the reference time the transmission time belongs, determining, on the basis of the result of said determination,~~

~~whether or not said receiving apparatus corresponding the transmission time can be permitted to use the predetermined data, and performing authentication if said receiving apparatus can be permitted to use the predetermined data;~~ and act as the authentication count means of incrementing the incremented authentication count which is the number of instances of the authentication performed by said transmitting-side authentication means, according to claim 3.

23. (Currently Amended) A recording medium having the program ~~according to Claim 22 held~~ stored thereon~~, said recording medium being capable of being processed~~ and configured to be processed ~~with~~using a computer, the program executing the method including

measuring the transmission time for transmission of predetermined information between a transmitting apparatus and a receiving apparatus;

storing at least one reference time;

comparing the measured transmission time and the at least one reference time to determine to which one of a plurality of ranges the transmission time belongs, the plurality of ranges being classified based on the at least one reference time;

determining, based on which one of the plurality of ranges the measured transmission time belongs, whether or not said receiving apparatus having the corresponding measured transmission time is permitted to use the data;

performing authentication if said receiving apparatus is permitted to use the data;

incrementing an authentication count which is a number of instances of authentication performed by said transmitting-side authentication means;

comparing the incremented authentication count with a maximum authentication count determined in advance with respect to each of the plurality of ranges; and

inhibiting further authentication if the incremented authentication count is larger than the maximum authentication count.